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Epic Games, Inc.*

10 **UNITED STATES DISTRICT COURT**
11
NORTHERN DISTRICT OF CALIFORNIA
12
OAKLAND DIVISION

13 EPIC GAMES, INC.,

14 Plaintiff,

15 v.
16 APPLE INC.,

17 Defendant.

18
19 CASE NO. 4:20-cv-05640-YGR-TSH

20
21 **ORDER GRANTING STIPULATION
BETWEEN EPIC GAMES, INC. AND
APPLE INC. AND [PROPOSED]
ORDER RE: CASE SCHEDULE**

22 Civil Local Rule 6-2

23 The Honorable Yvonne Gonzalez Rogers

24
25 APPLE INC.,

26 Counterclaimant,

27 v.
28

EPIC GAMES, INC.,

Counter-defendant.

STIPULATION BETWEEN EPIC GAMES,
INC. AND APPLE INC. AND [PROPOSED]
ORDER RE: CASE SCHEDULE

Case No. 4:20-cv-05640-YGR-TSH

1 The Parties, by and through their respective counsel, hereby agree and stipulate as
2 follows:

3 WHEREAS, in its October 6, 2020 Case Scheduling and Pretrial Order, the Court ordered
4 that March 15, 2021 is the deadline for serving rebuttal expert reports (Dkt. 116);

5 WHEREAS, backup materials must generally be produced within two business days after
6 service of expert reports (*Cameron* Dkt. 87 at 1);

7 WHEREAS, on March 14, 2021, counsel for Epic informed counsel for Apple of certain
8 errors in data previously produced by Epic, and provided corrected data;

9 WHEREAS, counsel for the Parties have conferred regarding the most efficient way for
10 the expert witnesses retained by Apple to analyze the corrected data and incorporate the results of that
11 analysis into their opinions;

12 WHEREAS, the agreed-upon procedure would not affect any other deadlines in the case.

13 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED among the
14 Parties, by and through their respective counsel, subject to the approval of the Court:

15 1. That Apple may supplement its expert rebuttal reports no later than March 17,
16 2021, without objection from Epic, solely to the extent the supplementation is necessary to incorporate
17 the corrected data;

18 2. That the backup materials for Apple's expert, Dr. Lorin Hitt, may be produced no
19 later than March 19, 2021; and

20 3. That all other case deadlines remain in place.

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22 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

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2 DATED: March 15, 2021

By /s/ Gary A. Bornstein
CRAVATH, SWAINE & MOORE LLP
Christine A. Varney
Katherine B. Forrest
Gary A. Bornstein
Yonatan Even
Lauren Moskowitz
M. Brent Byars

7 **FAEGRE DRINKER BIDDLE & REATH LLP**
8 Paul J. Riehle

9 *Attorneys for Epic Games, Inc.*

10 DATED: March 15, 2021

By /s/ Mark A. Perry
GIBSON, DUNN & CRUTCHER LLP
Theodore J. Boutrous, Jr.
Richard J. Doren
Daniel G. Swanson
Mark A. Perry
Veronica S. Lewis
Cynthia E. Richman
Jay P. Srinivasan

16 **ORRICK, HERRINGTON & SUTCLIFFE LLP**
17 E. Joshua Rosenkranz
William F. Stute

18 *Attorneys for Apple Inc.*

1 PURSUANT TO STIPULATION, IT IS SO ORDERED.

2 DATED: March 17, 2021

3 
4 THE HONORABLE YVONNE GONZALEZ ROGERS
5 UNITED STATES DISTRICT COURT JUDGE

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1 **DECLARATION REGARDING CONCURRENCE**

2 I, Mark A. Perry, am the ECF user whose identification and password are being used to file this
3 STIPULATION BETWEEN EPIC GAMES, INC. AND APPLE INC. RE: CASE SCHEDULE. In
4 compliance with Civil Local Rule 5-1(i)(3), I hereby attest that all of the signatories listed above have
5 concurred in this filing.

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7 DATED: March 15, 2021

GIBSON, DUNN & CRUTCHER LLP

8 */s/ Mark A. Perry*

9 Mark A. Perry

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